

No. PD-1061-19

IN THE
COURT OF CRIMINAL APPEALS
STATE OF TEXAS

FILED
COURT OF CRIMINAL APPEALS
3/26/2021
DEANA WILLIAMSON, CLERK

STATE OF TEXAS,
Petitioner,

v.

ORLANDO ORTIZ,
Respondent

MOTION TO EXTEND TIME TO FILE MOTION FOR REHEARING

TO THE COURT OF CRIMINAL APPEALS:

NOW COMES RESPONDENT ORLANDO ORTIZ and, pursuant to Rules 10.5(b) and 79.6 of the Rules of Appellate Procedure, files this motion to extend the deadline to file a motion for rehearing, and states the following in support thereof:

I.

FACTS SUPPORTING NEED FOR EXTENSION

1. On March 10, 2021, the Court issued its opinion reversing the Fourth Court of Appeals opinion and judgment.
2. Respondent's deadline to file a motion for rehearing is today, March 25, 2021.

3. The Court's opinion potentially raises novel issues of federal jurisprudence that require extensive research and review, for which the undersigned appointed counsel has not had sufficient time to examine since the Court issued its opinion.

4. More specifically, Respondent's appointed counsel had a dispositive hearing in highly contested medical malpractice case on March 11, 2021, followed by a probate hearing that same day. Last week, appointed counsel had numerous discovery response deadlines on his civil cases. This week, appointed counsel's house has been undoing substantial repairs following the hailstorm damage sustained in May 2020, which has required appointed counsel's presence during the day at his home and away from work; additionally, appointed counsel had a dispositive hearing in a civil case today.

5. Respondent's schedule for the next few months is also exceedingly book as appointed counsel and his wife are expecting the birth of their second child on or around April 30, 2021, and appointed counsel's growing civil docket requires focused and constant attention—notably, this is the last appointed case appointed counsel is handling.

6. For these reasons, Respondent requests that the deadline to file his motion for rehearing be extended **from March 25, 2021 to May 24, 2021 (60 days)**.

II.

ARGUMENT

7. Rule 10.5(b)(1) of the Rules of Appellate Procedure sets forth the technical requirements for all motions to extend time:

All motions to extend time, except a motion to extend time for filing a notice of appeal, must state:

- (A) the deadline for filing the item in question;
- (B) the length of the extension sought;
- (C) the facts relied on to reasonably explain the need for an extension;
- (D) the number of previous extensions granted regarding the item in question.

Tex. R. App. P. 10.5(b)(1).

8. The deadline to file Respondent's motion for rehearing is today, March 25, 2021.

9. Respondent seeks an extension of said briefing from **to May 24, 2021 (60 days)**.

10. Respondent has not previously sought or obtained an extension of his deadline to file a motion for rehearing.

11. The facts relied on to reasonably explain the need for an extension are set forth in **paragraphs 1 through 6** above.

III.
REQUEST FOR RELIEF

12. Wherefore, premises considered, RESPONDENT ORLANDO ORTIZ requests the Court extend the deadline to file his motion for rehearing **from March 25, 2021 to May 24, 2021**, and for all other relief to which Respondent may be justly entitled.

Respectfully submitted,

/s/ Nohl Bryant
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CERTIFICATE OF SERVICE

I certify that the foregoing instrument has been sent on Thursday, March 25, 2021, to the persons named below, in the manner described adjacent to their respective names, all in accordance with Appellate Rule 9.5.

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VIA ELECTRONIC SERVICE

/s/ Nohl Bryant
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